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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,259	11/23/1999	JAMES D. MARKS	3042/0G691	3586

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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/447,259

Applicant(s)

MARKS ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/25/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are
1,7,8,98,111,112,115,118,131,141,143,144,146,147,155,170,171,176-178,186,190,192-194,202,203 and 216-220.

Continuation of Disposition of Claims: Claims rejected are
1,7,8,98,111,112,115,118,131,141,143,144,146,147,155,170,171,176-178,186,190,192-194,202,203 and 216-220.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 7-8, 98, 111-112, 115, 118, 131, 141, 143-144, 146-147, 155, 170-171, 176-178, 186, 190, 192-194, 202-203, 216-220 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 7-8, 98, 111-112, 115, 118, 131, 141, 143-144, 146-147, 155, 170-171, 176-178, 186, 190, 192-194, 202-203, and 216-220 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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As per claim 1, claim 1 has been amended to recite features which are found to be new matter. Specifically, the claim recites the first expert with access to the at least one question and the at least one second question presenting the at least one second question in a second grouping of questions directed to either to the plurality of experts serving the forum. These features are not set forth in the original specification.

As per claim 141, claim 141 has been amended to recite features which are found to be new matter. Specifically, the claim recites the ... and a second group of questions directed to the first expert by others of the plurality of experts by others of the plurality of experts on referral. These features are not set forth in the original specification.

As per claim 155 has been amended to recite a feature which are found to be new matter. Specifically, the claim recitesprivate message This feature is not set forth in the original specification.

As per claim 176, claim 176 has been amended to recite features which are found to be new matter. Specifically, the claim recites the ... predetermined subject matter that are submitted ... These features are not set forth in the original specification.

As per claim 186, claim 186 recites features which are found to be new matter. Specifically, the claim recites the ... receiving a second question via an other one of the plurality of client interfaces as another forum and routing the second question.... These features are not set forth in the original specification.

As per claim 192, claim 192 has been amended to recite features which are found to be new matter. Specifically, the claim recites ... a second command from the other expert, the

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second command includes at least one answer to the question... These features are not set forth in the original specification.

As per claim 194, claim 194 has been amended to recite features which are found to be new matter. Specifically, the claim recites ... at least two commands a first one of the at least two commands includes a first answer to a first one of the questions submitted from one of the at least two forums and a first instruction instructing the server to post the first answer, and the second one of the at least two commands includes a second answer to a second one of the questions submitted from another one of the at least two forums and a second instruction instructing the server to post the second answer.

As per claim 216, claim 216 recites features which are found to be new matter. Specifically, the claim recites ... *the sever generating two forums... wherein the instruction instructs the server to post the answer to the first forum accessed by the user to present the question and to at least a second one of the two forums, at which the questions was not presented by the user.* These features are not set forth in the original specification.

Claims 7-8, 143-144, 146-147, 155, 170-171, 177-178, 186, 190, 192-193, 202-203, and 217-220 depend from claims 1, 141, 176, 194, therefore claims 7-8, 143-144, 146-147, 155, 170-171, 177-178, 186, 190, 192-193, 202-203, and 217-220 are similarly rejected under the analysis relied upon of claims 7-8, 143-144, 146-147, 155, 170-171, 177-178, 186, 190, 192-193, 202-203, and 217-220 depend from claims 1, 141, 176, 194.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 98, 111-112, 115, 118, and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin et al (Hereinafter referred to as Dworkin) in view of Uyama (U.S. Patent No. 5,819,267), as set forth in the last office action and further in view of Liles et al (U.S. Patent No. 5,880,731).

As per claims 98, 111-112, 115, 118, and 131, Dworkin discloses a system that provides answers from experts to questions posed by users (col. 3, lines 1 -7). The question and answer system is administered by a page or sites. The three site pages are three distinct fora because each is located at a separate site locations and each permit exchange of information between user and expert on each page. All three sites have at least one expert in common (medical expert" as seen in the central portion of FIG. 7).

receiving the questions at the server (5) from the one of the users located at computers 1a and 1b (column 3, lines 22-24), the questions are routed to the expert either based on explicit request of the user or automated processing of the question (col. 7, lines 10-13), the expert interface is interface is a telephone which notifies the expert of the question (col. 7, lines 10-13).

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Figure 6 shows a series of openly available questions which are posted by the users of the system, the expert issues a command, via the telephone which is a response to the question. The answer is transcribed from verbal form to written and graphical form "note transcriber 7", and posted on each of the three distinct fora of Figures 7, 8 and 9. Dworkin does not explicitly disclose executing a command from the expert automatically. Uyama in the same of endeavor discloses the concept of processing a reply automatically from an expert (consultant) (i.e., processing replies implies involving a command from the selected expert (the consultant answering the question) (col. 3, lines 20-22). It would have been obvious to person of ordinary skill in the art at the time the invention was made to modify the disclosures of Dworkin to incorporate processing replies which implies involving a command from the selected expert as evidenced by Uyama in order to make it easy for expert respondents to provide answers to questions. The combination of Dworkin and Uyama fails to teach the one question being directed to the expert...together with an answer to the ... and provide that the answer to the question will be posted. Lilies in the same field of endeavor discloses the concept of a participants exchanging questions and answers with an expert. Note column 1, lines 23-25 and lines 39-45 of Liles. Therefore, it would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Dworkin and Uyama with the motivation to facilitate the learning by the participants.

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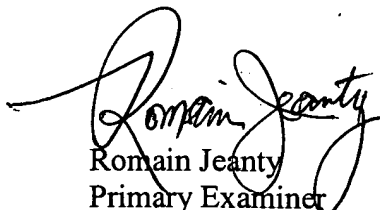
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 11, 2006


Romain Jeanty
Primary Examiner
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